

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA,	:	
	:	
PLAINTIFF,	:	
	:	
v.	:	CIVIL ACTION NO.2:06cv116-MEF
	:	
FIVE HUNDRED FORTY-THREE	:	
THOUSAND ONE HUNDRED NINETY	:	
DOLLARS (\$543,190.00)	:	
IN UNITED STATES CURRENCY,	:	
	:	
DEFENDANT.	:	

RESPONSE TO CLAIMANT'S MOTION TO STRIKE

Comes now the United States of America (United States), by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, and hereby states as follows:

1. Claimant has moved to strike the Verified Complaint, all statements, the dog alert, and the notice of claim from consideration on the United States' Motion for Summary Judgment. Each is addressed below.

2. Verified Complaint.

The Claimant's motion is contrary to law. The Verified Complaint has the "effect equivalent to that of an affidavit." See Corrected Memorandum Opinion and Order, United States v. Parcels of Property Located at 14 Leon Drive, Houston County, Alabama, Case No. 1:04cv8-MEF (Middle District of Alabama, August 4, 2006) (copy attached).

3. Notice of Claim.

The notice of claim was submitted by the Claimant to the United States Drug Enforcement Agency. The signature is sworn to and is identical to the signatures submitted by the Claimant to this Court. The allegation that current counsel for the Claimant has no knowledge of it does not lessen its authenticity.

It should be considered.

4. Statements/Dog Alert.

This Honorable Court has ordered the United States to separately respond to Claimant's Motion to Suppress. Accordingly, the United States will respond as ordered. The Court's decision on the Motion to Suppress will be dispositive on this issue.

Respectfully submitted this 24<sup>th</sup> day of May, 2007.

FOR THE UNITED STATES ATTORNEY  
LEURA G. CANARY

/s/ John T. Harmon  
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CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Bruce Maddox**.

/s/ John T. Harmon

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